

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MMCA GROUP LTD.,

Plaintiff,

v.

HEWLETT-PACKARD COMPANY, et al.,

Defendants.

No. C-06-7067 MMC

**ORDER DIRECTING CLERK TO FILE
UNDER SEAL DOCUMENTS FOUND TO
BE SEALABLE; DIRECTING PICA TO
FILE IN PUBLIC RECORD DOCUMENTS
NOT FOUND TO BE SEALABLE**

On December 29, 2008, the Court granted in part and denied in part defendant PICA Corporation's ("PICA") motion to file documents under seal.¹ With respect to the Declaration of Rodolfo Diaz ("Diaz declaration") and exhibits A through H thereto, the Declaration of Rocio Cvar ("Cvar declaration") and exhibits A and B thereto, the Declaration of Gabriela Toranzo ("Toranzo declaration") and exhibit A thereto, the Declaration of Renata Martinho ("Martinho declaration") and exhibits A and B thereto, the Declaration of Mauro Chavez ("Chavez declaration") and exhibit A thereto, the Declaration of Vince Volpi ("Volpi declaration"), the Declaration of William C. Acevedo ("Acevedo declaration"), and the unredacted version of PICA's memorandum in support of its motion for summary

¹The Court granted the motion with respect to Exhibit D to the Declaration of William C. Acevedo in support of PICA's motion for summary judgment. (See Order filed Dec. 29, 2008, at 1.) The Court denied the motion with respect to the remainder of the documents submitted for filing under seal.

1 judgment, the Court afforded PICA an opportunity to supplement its showing by filing a
2 declaration establishing such documents are sealable. (See Order filed Dec. 29, 2008, at
3 3.) On January 5, 2009, PICA filed a supplemental declaration. On the same date,
4 defendant Hewlett-Packard Company ("HP") also filed a declaration in support of sealing
5 certain of the above-referenced documents, specifically, the Diaz declaration and exhibits
6 A-H thereto. Having read and considered the parties' declarations, the Court rules as
7 follows.

8 1. The Court finds the following material sealable: the Diaz declaration and exhibits
9 A-H thereto, paragraphs 5-7 of the of the Cvar declaration, paragraphs 4, 7, 8, and 10 of
10 the Toranzo declaration, paragraphs 4, 6, 7, and 9 of the Martinho declaration, paragraphs
11 6-9 of the Chavez declaration, paragraphs 12-18 of the Volpi declaration, paragraph 5 of
12 the Acevedo declaration, and the unredacted version of PICA's memorandum in support of
13 its motion for summary judgment.

14 2. With respect to exhibits A and B to the Cvar declaration, exhibit A to the Toranzo
15 declaration, and exhibit A to the Chavez declaration, PICA states such documents have
16 been designated confidential by MMCA. Under the Local Rules of this District, where a
17 party seeks to file under seal any material designated as confidential by another party, the
18 submitting party must file a motion for a sealing order. See Civ. L.R. 79-5(d). "Within five
19 days thereafter, the designating party must file with the Court and serve a declaration
20 establishing that the designated information is sealable, and must lodge and serve a
21 narrowly tailored proposed sealing order, or must withdraw the designation of
22 confidentiality." Id. Here, MMCA has failed to file a declaration establishing that the above-
23 referenced documents are sealable.

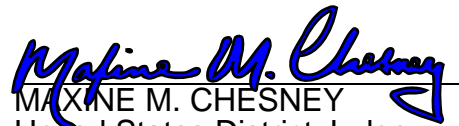
24 3. With respect to exhibit B to the Martinho declaration, PICA has failed to file a
25 declaration establishing such document is sealable.

26 Accordingly, the Clerk shall file under seal the Diaz declaration and exhibits A-H
27 thereto, exhibit D to the Acevedo declaration, the unredacted version of PICA's
28 memorandum in support of its motion for summary judgment, and unredacted versions of

1 the Cvar, Toranzo, Martinho, Chavez, Volpi, and Acevedo declarations. PICA shall file in
2 the public record, no later than January 23, 2009, redacted versions of such declarations,
3 redacting the above-referenced portions thereof. If PICA wishes the Court to consider any
4 documents not found to be sealable, PICA shall file such documents, no later than January
5 23, 2009, in the public record.

6 **IT IS SO ORDERED.**

7
8 Dated: January 15, 2009


MAXINE M. CHESNEY
United States District Judge